

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FPK SERVICES LLC D/B/A
HEALTHLABS.COM, *ET AL.*;

Plaintiffs,

v.

JOHN DOES 1-10,

Defendants.

Case No.: 20-CV-6141 YGR

ORDER DENYING PLAINTIFFS' EX PARTE
MOTION FOR LEAVE TO TAKE EXPEDITED
DISCOVERY WITHOUT PREJUDICE

DKT. No. 5

Plaintiffs FPK Services, LLC dba HealthLabs.com, *et al.*, bring this motion *ex parte* seeking leave to take expedited discovery. (Dkt. No. 5.) Having carefully considered the papers submitted and the pleadings in this action, the Court **DENIES** the motion without prejudice.

First, plaintiffs have failed to offer allegations, evidence, or authority sufficient to show that their complaint would withstand a motion to dismiss on jurisdictional or *Iqbal/Twomey* grounds.


Second, plaintiffs failed to submit evidence or authorities sufficient to authorize subpoenas directed toward owners of the email accounts identified based on the allegations of their current complaint.

Third, plaintiffs also fail to establish that they made a good faith effort was made to locate and serve either the Doe defendant described in the complaint or, to the extent plaintiffs contend that they are also Doe defendants, the owners of the email accounts.

This terminates Docket No. 5.

IT IS SO ORDERED.

Date: September 23, 2020


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE